

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MICHAEL J. MARTIN,	:	
Petitioner,	:	
v.	:	Case No. 3:19-cv-189
WARDEN, London Correctional	:	JUDGE WALTER H. RICE
Institution,	:	
Respondent.	:	

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DECISION AND ENTRY OVERRULING PETITIONER'S  
OBJECTION (DOC. #16) TO DECISION AND ENTRY DENYING  
MOTION FOR DISCOVERY (DOC. #15)

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This matter is currently before the Court on Petitioner's Objection, Doc. #16, to United States Magistrate Judge Michael R. Merz's Decision and Entry Denying Motion for Discovery and to Expand the Record, Doc. #15.

Based on the reasoning and citations of authority set forth by Magistrate Judge Merz in that Decision and Entry, as well as upon a thorough *de novo* review of this Court's file and the applicable law, the Court OVERRULES Petitioner's Objection, Doc. #16.

The Court must evaluate Petitioner's claims based only on the evidence that was before the state court. *Cullen v. Pinholster*, 563 U.S. 170, 181-82 (2011). Accordingly, Magistrate Judge Merz properly denied Petitioner's motion without prejudice to renewal if the Court finds that the state court adjudication was

contrary to, or involved an unreasonable application of, clearly established federal law, or resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding. 28 U.S.C. § 2254(d). *See, e.g., Davis v. Bobby*, No. 2:10-cv-107, 2017 WL 2544083 (S.D. Ohio June 13, 2017); *Group v. Robinson*, 132 F. Supp. 3d 954 (N.D. Ohio 2015) (each denying without prejudice motions for discovery related to claims adjudicated on the merits in state court). *See also Johnson v. Bobby*, No. 2:08-cv-55, 2018 WL 13282455, at \*8 (S.D. Ohio March 19, 2018) (“it has become increasingly evident that *Pinholster’s* holding is inextricably intertwined with any determination of whether good cause exists for conducting discovery.”).

Date: March 23, 2020

  
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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE